

*Town of North Andover  
PLANNING BOARD*

*John Simons, Chairman  
Lynne Rudnicki  
Michael Colantoni*



*David Kellogg  
Lora McSherry  
Peter Boynton*

*Tuesday March 17, 2015 @ 7 p.m. Town Hall, 120 Main Street, North Andover, MA 01845*

Present: J. Simons, M. Colantoni, L. Rudnicki, D. Kellogg, P. Boynton, L. McSherry

Absent:

Staff Present: J. Enright, B. Wolstromer

J. Simons, Chairman: The planning board meeting for Tuesday, March 17, 2015 was called to order at 7 p.m.

**BOND RELEASE:**

Walnut Ridge (Crickett Lane Extension): Anthony Mesiti requests a surety bond reduction.

J. Enright: The town is holding a surety bond on this 11 lot subdivision which was approved in 1999. There has been a release to date of approximately \$72K. The applicant is requesting a reduction, which the DPW is supporting. The DPW recommends holding a remaining amount of \$16,600. The street has not been accepted yet.

J. Simons: Is the request for release for the specific amount? Is this a reduction of the surety bond, not a cash bond? Do you and the DPW support the request?

J. Enright: Yes, I support it and I have a letter from Tim Willett supporting the reduction. The applicant was going to pursue street acceptance at Annual Town Meeting; however, there is not enough time to accomplish that.

**MOTION:** L. Rudnicki makes a motion to reduce the surety bond to \$16,600 for Crickett Lane Extension also known as Walnut Ridge. Motion was seconded by D. Kellogg. Vote was 6-0, unanimous in favor.

**ANR:**

Summer Street #59 & 75: Applicant Herrick Development, LLC is seeking a lot line adjustment.

J. Enright: This is a form A, the dotted line shown creates Parcel A, noted as a non-buildable lot. As I understand it, this parcel is being created and then sold to the owner of 75 Summer Street.

C. Herrick: Correct, it is part of a field that the neighbor maintained for years and she wants it back.

J. Simons: The cleanest way to do it is to take it out of one lot and put it in the other lot rather than isolate it.

C. Herrick: I have a deed stating what is moving to 75 Summer Street. The new square footage is noted in bold.

J. Simons: We need to see what's before and what's going to result. If you are creating 2R as a larger lot by moving Parcel A into it then clearly explain what remains in 1R for future purposes.

Board: General discussion on how to better illustrate the change to the lots.

J. Simons: We'll authorize the Planner to sign it, but with the minor changes discussed, so that it's clear. You'll have to clean it up a bit.

**MOTION:** A motion was made by L. Rudnicki to approve the interim Town Planner to execute the ANR provided they make the adjustments to the locus and the plan. D. Kellogg seconded the motion. The vote was 6-0, unanimous in favor.

Boxford Street Map 105C Lot 22: Applicant Messina Development Corp. is seeking endorsement for the creation of two new lots.

J. Enright: This is an ANR for Boxford Street. Phil Christiansen will represent the applicant Messina Development.

P. Christiansen: This creates 2 lots on Boxford St. We have the adequate frontage and area, the wetlands have been delineated and approved and an ORAD issued by Conservation for the wetlands, so the contiguous buildable area is accurate.

J. Simons: Is that stub piece (Map 205) in the front a separate property entirely?

P. Christiansen: Yes, Map 105 is separate.

J. Simons: How big are lots 1 & 2?

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P. Christiansen: 87,000 sq. ft.

J. Simons: They have the CBA, the frontage? Residual lot is how large?

P. Christiansen: The remaining land in the back is 18 acres.

J. Simons: You haven't boxed yourself in to create a wetland crossing or anything like that?

P. Christiansen: No, a road will go in farther down the street to the land in back.

D. Kellogg: Is there buildable land in the back?

P. Christiansen: We will be bringing in a subdivision/PRD for the back shortly.

**MOTION**: A motion was made by D. Kellogg for the interim planner to approve the creation of two new lots on Boxford St, Map Lot 105C Lot 22. L. Rudnicki seconded the motion. The vote was 6-0, unanimous in favor.

**PUBLIC HEARINGS**

**CONTINUED**: 1046 Great Pond Road "Rudick Estates": Application for Definitive Subdivision to divide one lot into three lots, relocate one existing home on-site, and remove one structure.

J. Enright: This applicant has filed both a Definitive Subdivision plan and a Watershed Special Permit and there have been ongoing discussions with the applicant and the down gradient abutter. The Public Hearing is still open for both. We have prepared draft Decisions for each and John Smolak, attorney for the applicant, is here to update you on the drainage situation. L. Eggleston has reviewed and approved the Plans. J. Hughes, Conservation Administrator, has been kept informed of the drainage design and is satisfied with the design and review that has been completed.

J. Smolak: There are no changes in the Definitive Subdivision Plan, the only change is the stormwater management system with respect to the existing drainage along Great Pond Road. As a result of the change in the drainage, we filed the WSP because work is being undertaken in both the Non- Discharge and the Non-Disturbance Zones to the wetland requiring stormwater management and Special Permit.

P. Christiansen: As you recall, the southerly neighbor (Paolino), was concerned about drainage from the proposed subdivision onto his property. We designed a system to divert the water totally away from Paolino's property. We show a new line constructed from the catch basin in Great Pond Road, going thru the hatched area on the plan. Along the pipeline will be an area where we will put in a perforated pipe and stone underground to allow some of the groundwater to infiltrate there. That was suggested by Lisa Eggleston so that Conservation would be pleased the ground water would still be flowing toward the wetland down below. When there's too much water for the infiltration area to pick it up, the pipe continues down to the drain-manhole 2, there is a catch basin top on that to pick up some drainage from the site and then it drains down to the back of the property to a level spreader which is approx. 450 ft. from the lake. Additionally, at the top of the plan, in the large cross hatched area, all the drainage that comes from the driveway in that little area of upland will drain into an infiltration basin. This allows the water to go into the ground rather than thru pipes, gets into the groundwater then flows south eliminating direct surface discharge of water to the neighbor's property. We will also provide a drainage easement for the Town to go from the catch basin in the street to drain manhole- 1, as requested by the DPW.

J. Enright: Can you speak to the viability of the wetland?

P. Christiansen: There's a fairly good sized drainage basin for the wetland to the south. We are diverting at most, 5% of the surface water that goes toward it. The groundwater will be flowing toward the wetland not depriving it of water; it's a balancing act between managing the surface water problems and not allowing the wetland to dry out.

L. Rudnicki: Is there much maintenance on this?

P. Christiansen: Not a lot. In drain manhole-1 there will be a snout type oil, grease trap and deep sump. The infiltration from the perforated pipe is buried, and the infiltration ponding area is normal yard maintenance.

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89 L. Rudnicki: Which property will be responsible for maintaining the deep sump? Is this clear on an O & M plan  
90 because we are dividing the property?

91 P. Christiansen: There is a homeowners association on the property.

92 J. Simons: Let's make sure when we go through the decision we address that.

93 P. Christiansen: This is a special permit for the drainage. This drainage is not on the Definitive plan. When we did  
94 the Definitive plan we showed existing conditions. We didn't show the revised drainage.

95 J. Enright: I included those plans on the Definitive Decision, referencing them both on the Definitive Decision,  
96 tying them together.

97 P. Boynton: Does this redirection change the amount of water that eventually finds its way into the lake?

98 P. Christiansen: No it does not.

99 J. Enright: And, it provides additional treatment.

100 P. Christiansen: Yes, it cleans it up a bit more.

101 J. Simons: Can you refresh us as to what we are approving. It's not your typical subdivision?

102 P. Christiansen: There are presently 4 houses on the property. The owner intends to demolish or remove one home  
103 entirely from the property and the L-shaped house will be moved from that location to the lot at the top of the  
104 property for a total of three lots and three houses. The proposed roadway (references land court plan)  
105 encompasses a good deal of the driveway for the first house. We are not intending to build any roadway here.

106 J. Enright: The only driveway construction is for the new house?

107 P. Christiansen: Yes, there will be a new driveway off of Great Pond Road for the new house and some of the  
108 driveway on site will be removed that is no longer needed.

109 J. Simons: In the end, there were 4 houses, you've reduced it to 3 and you are moving one of the three houses.  
110 We have to make sure when we do our waivers, we do the waiver against the roadway because we don't want the  
111 roadway constructed. Are there any questions or comments from the audience before we close the public hearing?

112 Carl Goodman: Attorney representing the abutter (Paolino) to the south. We have been working closely with the  
113 project developer, his attorney and engineer, as well as our own engineer. We are satisfied with this proposal that  
114 it meets the objectives of the developer with the exception that in the Subdivision Plan, Sheet 4 which shows  
115 proposed conditions was not updated to reflect the revised drainage shown on the Drainage Plans for Special  
116 Permit. We ask that before the Subdivision Plan is endorsed, that a revised sheet 4, reflecting the actual drainage  
117 as shown on the drainage plans be substituted.

118 **MOTION:** A motion was made by L. McSherry to close the public hearing for the Watershed Special Permit at  
119 1046 Great Pond Road "Rudick Estates". The motion was seconded by D. Kellogg. The vote was unanimous in  
120 favor, 6-0.

121 **MOTION:** A motion was made by L. McSherry to close the public hearing for the Definitive Subdivision 1046  
122 Great Pond Road "Rudick Estates". The motion was seconded by D. Kellogg. The vote was unanimous in favor,  
123 6-0.

125 **MOTION:** L. Rudnicki motioned to approve the Definitive Subdivision for 1046 Great Pond Road "Rudick  
126 Place" as amended. Motion was seconded by D. Kellogg. The vote was unanimous 5-0.

128 **MOTION:** L. Rudnicki motioned to approve the Watershed Special Permit for 1046 Great Pond Road "Rudick  
129 Place" as amended. Motion was seconded by Lora McSherry. The vote was unanimous 5-0.

131 **DISCUSSIONS:**

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Wheelabrator, Scott Emerson: Discussion request with the Planning Board regarding clarification of a condition relating to frequency of testing written in a minor modification Notice of Decision approved in December 2004.

J. Enright: In 2004, there was a condition in the Notice of Decision, that the emissions dioxin testing could be revisited based on testing results. S. Emerson is here to present testing results.

S. Emerson, Wheelabrator Plant Manager: Reviewed conditions referenced in the Site Plan Review Decision from August 1998, the minor modification awarded in 2004, graphs of the comprehensive testing results, and the impacts of the air modeling to the community. The state requires us to study the effect of those emissions, so we model using the EPA standards. In the minor modification (pg. 2) it states, "If at any time in the future, the dioxin for any emissions testing exceeds 7 nanograms per dscm, the applicant must submit test results every quarter (which is where we are now), however, the applicant may petition the Planning Board who reserves the right to amend this condition and allow less frequent testing if the test results reveal levels of dioxin that are at or below 7 nanograms per dscm." This chart shows over 38 tests over the last four, almost five years, the emissions registered below 5. We are asking the Planning Board to revisit the required frequency of testing. Explained in detail the state testing requirements. We have 15 years of consistency. The Board reserved the right to amend this Decision and we are requesting to go to the MassDEP required testing standards.

J. Simons: The Mass requirement is every 9 months and didn't we outline every 9 months in the Decision based on test results? Don't you have the right to do that now?

S. Emerson: Yes. We had one reading over 7 which triggered us to return to quarterly results which we've done for four to five years.

J. Simons: You've been well under and within the limits for 5 years?

P. Boynton: What caused your samples to consistently bottom out? That's an interesting change in your data?

S. Emerson: When we operate the boilers it's a fabric filter. We change the fabric filters, we dry clean them now and we don't add water to the units.

L. McSherry: What caused the reading of 10?

S. Emerson: We are measuring nanograms per dscm. We are literally counting molecules from these samples and occasionally you can get an odd reading. We don't really know why this happens.

J. Simon: It looks like it was obviously an anomaly. Earlier in time it was probably under 7 prior to that. You have implemented some positive changes that have dramatically reduced the readings. Your practices have resulted in consistency. Your primary regulator is the state, correct?

S. Emerson: Yes. Every 9 months we do it for the state and the town. Back in 1999, the reason for the condition was that we didn't have any data or the equipment yet. We now have a lot of data.

L. Rudnicki: Are the standards still 7?

S. Emerson: Yes, the state is stricter than the EPA and the state hasn't changed their standards.

L. McSherry: This is a discussion. The problem with the Decision is they'll have to come back to repetition. They're going to have to come back.

J. Enright: Do you require to a Modification again or can this be done as an insubstantial change?

J. Simons: We did make a change in 2004 – "if you go over 7 this is what happens". The question is do we handle this formally? I prefer to do it formally, due to transparency. It's not a complicated procedure. Work together to craft the appropriate language, maybe you defer to the MassDEP. We are acknowledging that you have been compliant for a long period of time.

L. Rudnicki: Do we need a new Notice of Decision and formal hearing? Whether we change a Decision or we make a determination, I would like to do it so that anyone interested would have notice of it.

J. Simons: We will do it at a Planning Board meeting.

L. McSherry: Will Wheelabrator continue to display results in the library?



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S. Emerson: Yes.

P. Boynton: Who performs your testing?

S. Emerson: We contract it out to an independent company.

J. Enright: Wheelabrator would also like to amend the format of the test result submissions to the Town.

S. Emerson: We have been submitting 2 copies of test data (200 pages) to the Town Manager's office, the Board of Health and the Town's consultant who is reviewing them. May we request that all this information is conveyed electronically in the future?

J. Simons: That is fine.

J. Enright: We will document an Insubstantial Change to allow the submission of the test data and they should file for a Modification to the Site Plan Review Special Permit.

**MISCELLANEOUS**

P. Boynton: The Watershed Protection District was created in the mid-80s and is to protect the lake and this body is the SPGA. How do we know if this is working? There is a record of the "treated water" but what's happening to our raw water? Can we ask the Water Dept. to come in and show us trends over time?

Board: General consensus that the DPW Director should be invited to a meeting after the Annual Town Meeting to discuss the matter.

**MINUTES APPROVAL**

**MOTION**: Lynn Rudnicki motioned to approve the March 3, 2015 meeting minutes as amended. Motion seconded by D. Kellogg. The vote was 6-0, unanimous in favor.

**ADJOURNMENT**

**MOTION**: Lynne Rudnicki motioned to adjourn the meeting. The motion was seconded by David Kellogg. The vote was 6-0, unanimous in favor. Meeting adjourned @ 8:20 p.m.

**MEETING MATERIALS:**

Meeting Agenda 3/17/2015; Walnut Ridge (Cricket Lane Extension): Walnut Ridge Subdivision-Tim Willet Recommendation for Bond Reduction Memo 2/27/2015, Walnut Ridge Surety Bond, Walnut Ridge Plan Cover Page; Boxford Street: Form A Boxford Street Map 105C Lot 22-Application, Form A Boxford Street Map 105C Lot 22 Locus, Form A plan Boxford Street Map 105C Lot 22 Plan; #59 & 75 Summer Street: #59 & 75 Summer Street Form A Lot 105C Lot 22 Application, #59 & 75 Summer Street Form A Plan, 2009 Form A Plan 16084; 1046 Great Pond Road: 150316 146 GPR 14009 stream stats, 150316 1046 GPR DRAIN SHEET 1, 150316 1046 GPR DRAIN SHEET 2, 150316 1046 GPR DRAIN SHEET 3, 150316 1046 GPR DRAIN SHEET 4, 150316 1046 GPR Hydro CAD Diagram, 150316 1046 GPR Hydro CAD Report, 150316 smaller drain area, 150316 1046 Watershed Subdivision Plans Rudick Place, 150317 1046 Watershed SP Final Rudick, 150317 Def. Subdivision Rudick Place; Wheelabrator: Wheelabrator Minor Modification 041208, Dioxin Results 2010-2014, Dioxin Ambient Impact Chart (A), Dioxin Ambient Impact Chart (B); DRAFT Meeting Minutes March 3, 2015